

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JAMES PATTON,

Plaintiff, : Case No. 3:13-cv-50

- vs -

: District Judge Timothy S. Black
Magistrate Judge Michael R. Merz

SHERIFF EUGENE FISCHER, et al., :

Defendants. :

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #14), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

It is hereby ORDERED that the Petition is DISMISSED without prejudice pending exhaustion of all available state court remedies. Petitioner is also DENIED a certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would not be taken in objective good faith.

June 10, 2013.



Timothy S. Black
United States District Judge